

Chapter 10 – Wetlands
Paul F. Bohn

Chapter Contents

[I. Part 303, Wetlands Protection](#)

[A. Purpose and Scope](#)

[B. The Federal Regulatory Scheme: Delegation of Enforcement Authority to the Department of Environmental Quality](#)

[C. The State Administrative Process](#)

[1. When a Permit is Required](#)

[2. How to Apply for a Permit](#)

[3. Criteria for Approval of a Permit](#)

[a. Voluntary Pre-Application Meetings](#)

[4. Mitigation](#)

[a. Generally](#)

[b. Mitigation Ratios](#)

[c. Mitigation Plans](#)

[d. Mitigation Banking](#)

[5. Hearings and Judicial Review](#)

[a. Contested Case Hearings](#)

[b. Standing](#)

[II. Wetlands and the Controversy Over the Taking of Property Without Just Compensation](#)

[III. Federal and State Jurisdiction](#)

[A. Rapanos v United States](#)

[B. Circuit Court Split Over the Controlling Holding of Rapanos](#)

[C. Judicial Application of the “Significant Nexus” Test](#)

[Endnotes](#)

The Michigan Environmental Law Deskbook Website is a free service of the State Bar of Michigan and its Environmental Law Section. The information obtained from this site is not intended to replace official versions of that information and is subject to revision. The Environmental Law Section presents this information, without warranties, express or implied, regarding the accuracy of the information, timeliness, or completeness. If you believe the information is inaccurate, out-of-date, or incomplete or if you have problems accessing or reading the information, please send your concerns to the Section.